

REMARKS

Applicants thank the Examiner for the telephone discussion with Applicants' representative on April 11, 2005, regarding the status of dependent claim 20. It is Applicants' understanding that claim 20, like claim 9, is objected to as being dependent upon a rejected base claim, and is not rejected.

Claims 1-39 were considered in the Office action dated March 14, 2005. Claims 1-8, 10-19, and 21-39 stand as rejected, while claims 9 and 20 are objected to as being dependent upon rejected base claims. The Office action states that claim 9 "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims."

Claim 9 and sole intervening dependent claim 8 recite, "applying a chemical agent to said tissue," and, "wherein said chemical agent is selected from the group consisting of acetic acid, formic acid, propionic acid, butyric acid, Lugol's iodine, Shiller's iodine, methylene blue, toluidine blue, and indigo carmine." The same is true of claim 20 and sole intervening dependent claim 19.

Accordingly, and without acquiescing to the rejections of the Office action, Applicants amend independent claim 1 as shown in the preceding listing of Claims to incorporate the limitations of claims 8 and 9, and Applicants amend independent claim 18 to incorporate the limitations of claims 19 and 20.

Furthermore, Applicants hereby amend each of independent claims 16 and 33 as shown in the preceding Listing of Claims to recite the limitation, "said tissue having had applied thereto a chemical agent selected from the group consisting of acetic acid, formic acid, propionic acid, butyric acid, Lugol's iodine, Shiller's iodine, methylene blue, toluidine blue, and indigo carmine". No new matter is added. The amendment is supported in the application as originally filed, for example, in original claims 8 and 9 (as well as original claims 19 and 20).

Applicants cancel without prejudice claims 8, 9, 19, and 20. Upon entry of this amendment, claims 1-7, 10-18, and 21-39 will be pending.

Without acquiescing to the rejections of the Office action, Applicants respectfully contend that none of the cited art, either alone or in combination, teaches or suggests all of the claim limitations of any of independent claims 1, 16, 18, and 33, as amended. Because fewer than all of the claim limitations of any of claims 1, 16, 18, and 33 are taught or suggested by the cited art, Applicants respectfully request that the rejections of claims 1, 16, 18, and 33 under 35 U.S.C. § 102 and/or 103 be reconsidered and withdrawn.

Likewise, because a dependent claim includes all the limitations of the independent claim from which it depends, Applicants respectfully request that the rejections of dependent claims 2-

7, 10-15, 17, 21-32, and 34-39 under 35 U.S.C. § 102 and/or 103 be reconsidered and withdrawn, at least on this basis.

Applicants contend that this amendment places this case in condition for allowance. Accordingly, applicants respectfully request that the rejections of claims 1-7, 10-18, and 21-39 under 35 U.S.C. § 102 and/or 103 be reconsidered and withdrawn.

CONCLUSION

In view of the foregoing, Applicants respectfully request allowance of claims 1-7, 10-18, and 21-39 in due course. The Examiner is hereby cordially invited to contact Applicants' undersigned representative by telephone at the number listed below to discuss any outstanding issues.

Respectfully submitted,



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